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Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Council of Russian Compatriots (ICRC), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14327(E)
1814327

Please recycle

On the Non-Observance of National Minorities Rights in Ukraine and the Baltic States

We, Russian human rights defenders, appeal to the leadership of the United Nations and the Human Rights Council to exert immediate influence on the governments of the Baltic States and Ukraine to stop the use of force and intimidation against their national minorities. Our goal is to convey to the international community the legitimate demands of the residents of these countries for the freedom of speech and education in their mother tongue, for the enforcement of universal rights and for their personal aspirations.

We would like to draw your attention to the fact that Ukraine and the Baltic States are the traditional place of residence for the Russian ethnic group. This fundamentlly distinguishes these regions from those post-Soviet areas (Central Asia, Transcaucasia), where Russians appeared only as a result of border expansion by the Russian Empire and the Soviet Union. Therefore, the Russian population of Ukraine, Lithuania, Latvia and Estonia is indigenous for these countries. In this regard, we bring to your attention some blatant cases of discrimination against the Russians and the Russian-speaking population.

Thus, the fulfilment of the provisions of the universal Declaration of Human Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the enforcement and protection of human rights, including the right to life, the right to legal protection of constitutional rights and freedoms, the right to use and protect the native language, the freedom of speech, religion, and so on, has deteriorated significantly in Ukraine over the period 2014 to 2018. To date, no investigation has been performed concerning the mass murders of civilians and police officers in February 2014 in Kiev, the burning of dozens of civilians on 2 May 2014 in the Trade Union House in Odessa, and the murders in 2015 of the writer Buzina and the Ukrainian politician Kalashnikov, who both opposed terror and violence in Ukraine. About 200 people are kept in pre-trial detention centres without medical care and without trial for political reasons. More than 900 people, who defended the constitutional rights and freedoms, are missing in action. After 2014, due to the inability to ensure the safety of its participants, the human rights social movement called Russian-Speaking Ukraine, which had representative offices in 18 regions of the country, had to cease its activities. Today, the most active human rights activists of the Russian-Speaking Ukraine are under arrest, and most of them have gone missing or left the country for fear of persecution and punishment. Earlier, over the 6 years of its operation, Russian-Speaking Ukraine published without any hindrance 21 periodic public reports criticizing Ukraine's non-performance of its international obligations in the sphere of protection of fundamental rights and freedoms to the committees and bodies of the UN, OSCE, PACE and Council of Europe.

The Ukrainian authorities directly violate the provisions of Article 10 of the Constitution of Ukraine: '...Ukraine guarantees the free use and protection of the Russian language...' and Article 22: 'When adopting new laws or amending existing ones, the content and scope of existing rights and freedoms may not be restricted'. Instead, the rights and freedoms of national minorities—primarily linguistic ones—are being universally restricted in Ukraine today, despite the Charter on Regional and Minority Languages ratified by the country. This can be seen, for example, in the amendments to the Law on Television and Radio Broadcasting, aimed at a significant (from 20% to 60% as per different points) reduction in the broadcasting in languages other than Ukrainian. This policy has a negative impact on Russian as the most widely spoken language and, to a lesser extent, on Hungarian, Polish, Romanian and other languages. Schools refuse to accept applications from parents and to open classes with instruction in the language spoken by national minorities. A critical situation has developed in Kiev, the capital of Ukraine. Out of Kiev's 519 schools, the instruction in Russian is performed only in seven of them, which is 1.5% of the total number of schools. According to the census, out of 2.5 million Kiev residents, 600 thousand people (that is 25% of the capital residents) named Russian as their native language.

Observing the rights of the Russian-speaking population in the Baltic States, in particular, Latvia and Estonia, is equally grievous.

Estonia refused to comply with the separation agreement signed shortly before leaving the Soviet Union, and deprived of citizenship all non-Estonians, who had arrived to or were born in the country during the Soviet period, that is, about one-third of the total population. They later adopted the Constitution, which legitimized the exceptional status of Estonians. Non-citizens have been deprived of all political and many economic and social rights. They cannot defend their interests in legislative bodies of the country. The system providing the state higher education in Russian was destroyed. A fiscal state structure has been created—the Language Inspection, which monitors the use of the Russian language and limits it. The Estonian Department of citizenship refuses to include the patronymic names in passports of ethnic Russians, while Estonians are allowed to specify their second and third names in their passports. In her time (in February 2010), the Population Minister of Estonia, Urve Palo, admitted that 'the position of Russians in Estonia is very similar to the relatively recent position of black people in America, when they appeared to be citizens of the country,

but did not actually have rights equal to those of the white population...'. The continuing ethnic discrimination of the Russian population in Estonia is also mentioned in a recent report of the international organization Amnesty International for 2017/2018. It notes that ethnic minorities (the vast majority of whom are Russian-speaking people) continue to be discriminated in a range of social and economic rights.

In the neighbouring Latvia, the practice of 'strangling' the Russian language and persecuting Russian-speaking activists also continues. Thus, on 20 April 2018, a well-known human rights activist, scientist and public figure, the co-chairman of the United Congress of Russian communities and the head of the Congress of Non-citizens, Alexander Gaponenko, was arrested in Riga. The human rights activist was arrested on false suspicion of 'activities directed against the state independence of the Republic of Latvia, its sovereignty, territorial unity, state power or state system'. These loud phrases cover the simple posting on social networks of his point of view on the elimination of Russian-language education in Latvia. Now the human rights activist faces 8 years in prison. The goal of Gaponenko's arrest is to intimidate the leaders of the protest movement of Russian-speaking citizens of Latvia against the scandalous Law on Education, which practically destroys the education in Russian language in this country.

The practice of discrimination against the Russian population also applies to the business sphere. It is forbidden for non-citizens of the country, who make up about 15% of the population after 25 years of Latvian independence, to be founders of joint-stock companies. In the distribution of state and municipal orders in Latvia, the main concern is not the price or quality of the goods provided, but the nationality of the owners of commercial firms. As a rule, Russian owners do not receive such orders. The institute of non-citizenship is used by current Latvian authorities for the large-scale discrimination of the Russian population in the distribution of income and in the professional context. All lawyers, notaries, bailiffs and architects are ethnic Latvians. Under Latvian law, equality and non-discrimination in the prevention of double taxation is guaranteed to Latvians only.

The situation is better in Lithuania, where the Russian minority was able to become citizens of the state. Yet, the reduction of the use of the Russian language still can be widely noted there, especially in the education system. While on 1 September 1991, Lithuania had 85 schools with instruction in Russian, not counting mixed schools, attended by about 76,000 students, by 2018 there are only 32 schools left with around 14,500 students attending them (a little more than 1% of the total number). One more alarming fact can be noted: in July 2018, the Union of the Motherland—Christian Democrats of Lithuania submitted to the Seym a draft law dictating to perform 60% of the academic activity in schools for national minorities in the Lithuanian language after 2023.

Russian human rights activists strongly condemn gross violations of human rights and international law in Latvia, Estonia and Ukraine.

We inform the leadership of the UN Human Rights Council about the lack of an effective mechanism for the rapid and uniform interference with member countries, such as Ukraine, Latvia and Estonia, which systematically violate the rights of the Russian-speaking population.

We believe that this kind of national policy on the part of the leadership of those countries demonstrates a deep gap between their declared allegiance to democratic values and their actual practice.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Modern Advocacy, Humanitarian, Social and Rehabilitation Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2018]

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Please recycle

Effective Realisation of Civil and Political Rights through Eliminating the Ambiguity on the terms "Morality" and "Public Order" within a Democratic Society

Introduction

In witness of articles 19, 20 and 21 of the Universal Declaration of Human Rights (UDHR) of 10 December 1948 that solemnises the right to freedom of opinion and expression, peaceful assembly and association; democratic consideration and participation of individuals in governance and to public service access in their country.

Acknowledging the United Nations Charter of 26 June 1945 wherein member States and peoples of the United Nations reaffirmed their faith in fundamental human rights with respect to dignity and worth of the human person, and the need for justice and respect for the obligations arising from treaties and other international obligations between member State parties, meanwhile promoting social progress and better standards of life in larger freedom; and further reaffirmed within articles 1 and 8 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in Vienna on 25 June 1993.

Recalling the International Labour Organisation (ILO) Convention of 17 June 1948; articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966; articles 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights (CCPR) of 19 December 1966; and articles 5, 6, 7 and 8 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms or the Declaration on Human Rights Defenders of 9 December 1998; as well as other regional resolutions such as in articles 9, 10 and 11 of the African Charter on Human and Peoples Rights of 27 June 1981; and the Declaration of Principles on Freedom of Expression in Africa of 17 - 23 October 2002; wherein all, emphasis are placed on the guarantee for individuals' and groups' freedoms of expression and association, unions and peaceful assembly without any restrictions except those withheld by law having a legitimate objective as necessary within a democratic society.

The case study of Cameroon in its Constitution1 duly guarantees the universally endorsed freedoms meanwhile laws No. 90/53 and 90/55 of 19 December 1990 bearing on the freedom of associations and public events respectively represent the national laws in the effect. However, the nuances in both conception and implementation of these promulgated law texts remain alarmingly abusive.

Abusive Nuances with Respect to Freedoms of Expression, Peaceful Assemble and Association

Severally, the term "public order" has been used by legislative and executive arms of the government to enact very repressive laws and administrative or judicial procedures that completely undermines fundamental human freedoms.

1) In addressing issues of terrorism, law No. 2014/0282 of 23 December 2014 introduced new grounds for a death penalty and contains provisions that are incompatible with basic human rights. It prioritises the jurisdiction of military over civilian courts and notably, it is widely applied even for instances of alleged failure to report terrorist activities and with numerous abuses noted such as arbitrary detention, torture and extrajudicial killing committed in the name of counter-terrorism3.

2) Excessive administrative and judicial powers held by administrative authorities in matters freedoms of association, peaceful assembly and public procession. For example, the Minister of Territorial Administration (MINAT) is granted an equivocal competence to that of the judge for dissolving an association.4 This has been used for dissolving and banning the activities of the Anglophone Civil Society Consortium of Cameroon (CACSC) on January 17, 2017 by decree n ° 00000009 / A / MINATD / CAV and its leaders arrested, a move that has stalled the ongoing crisis within the North West and South West regions of Cameroon.

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1 The preamble of Cameroon's 1996 constitution guarantees freedom of expression, assembly and public manifestations under conditions fixed by law; art. 45 places duly approved or ratified treaties and international agreements above national laws.

2 The anti-terrorism law exhumes death penalties and severe breaches in freedoms of expression and association implying that issues not aligning with State priorities and operational agendas are unwelcomed thereby tactically forbidding State Criticism. Issues addressed in articles 2, 6, 7, 9 and 14 of CCPR.

3 No. 11 on counter terrorism within the Human Rights Committee's concluding observations on the fifth periodic report of Cameroon of 13 November 2017 (CCPR/C/CMR/CO/5)

4 Section 13 (2) of Cameroon law no. 90/53 of 19 December 1990 indicates that the Minister of Territorial Administration by a decree can dissolve any association that puts the security of the state is questioned or simply moves away from its original objective. This provision is already covered by section 12 for the judge only who should make judgment from a neutral position as reflected in articles 6, 7, 8, 10 and 11(1) of UDHR and articles 22(3) of CCPR.

3) Abuse of power of office and complete disregard of legal texts through misuse and misinterpretations of contextual positions such as "public order" for self-centred ends. For example, the legal system of declaration for public events has been official fine tuned into that of authorisation even though the law5 dictates the contrary. Sometimes though planned activities have been legally declared, the notion of "public order and good morals" has been used to prohibit many events, participants violated during their activities and locations sealed without any order emanating from a judicial authority.6

Some Recommendations for Reinforcing Civil and Political Rights in Cameroon

From an international dimension, the Human Rights Committee's concluding observations on the fifth periodic report on Cameroon of 13 November 2017 addressed aspects of freedom of expression and assembly; torture, ill-treatment, reprisal and protection of journalists and human rights defenders; internet access disruption especially in the context of the crisis in English-speaking parts of the country, and of the excessive use of force by security forces.7 The following have been advised for corrective measures:

- Cameroon government should ensure that any restrictions on press and media activities or on Internet access are fully compatible with the provisions of article 19 (3) of CCPR; and should protect victims from any form of torture or ill-treatment; investigate, prosecute and sentence the perpetrators of such acts;
- Enhance measures for the protection of human rights defenders from threats and intimidation, and investigate, prosecute and sentence the perpetrators of such acts;
- Lift any unnecessary restrictions on the freedom of assembly and the freedom to demonstrate, in particular for members of the country's English-speaking minority; and conduct effective and impartial investigations of all cases involving the excessive use of force to disperse demonstrations, and bring the perpetrators to justice.

Within the national scope, many civil society movements have decried the incessant series of poor governance coupled with administrative and political malice for personal interests. The association Pairs Educateurs et Promoteurs (PEP) Sans Frontières united over 30 human rights organisations across the 10 country regions to learn advocacy techniques and mechanisms used by human rights defenders. They ended up with a joint and signed declaration8 to address both legislative defects and administrative usage abuses on the laws governing freedom of association, and freedom of assembly and public manifestations. The document requests the State of Cameroon to9:

- Cancel section 13(2) and complete section 12 to enhance effective separation of executive and judiciary responsibilities.
- Provide a succinct definition of the concept or notion "public order" and "morality" within the regularly applied context by administrative authorities under law 90/55 of 19 December 1990 in relation to regulations governing public meetings and processions.
- Provide at least 3days notice to prohibit any already declared public meeting and procession as per section 8(2) under same law.
- Provide for effective penal sanctions towards addressing the abusive actions of administrative authorities.10

Conclusion

State governance and personnel need to realise that impunity is the most dangerous setback for institutional and sustainable development therefore; State officials who violate instituted laws, coupled with the promulgation of unclear legal terms and notions are the causes of terrorism in governance that as well violates the very ethical essence of the existence of the State.

Beware and Lets all Stand Up for Human Rights!

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5 Law no. 90/55 of 19 December 1990 bearing on Public meetings and Demonstrations

6 Examples include disrupted opposition political parties' events; ban on human rights events such as Amnesty International's press conference in Yaoundé of 25 May 2017; refusal of revenue to associations defending of LGTB rights. Reflections within articles 12 of UDHR and Cameroon's 1996 constitution;

7 Abuses reflected within articles 2, 6, 7, 14, 19, 21 and 26 of CCPR

8 Drafted, signed and officially made public on the 16 August 2018, Douala - Cameroon

9 Exercising their rights to complain about policies and actions of government officials as per articles 9(3a) and (3c) of the Declaration on Human Rights Defender of 9 December 1998

10 Article 2(2) of CCPR is evoked by the national civil society human rights defenders – The State of Cameroon should respect its international human rights obligations.

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Human rights situations that require the Council's attention

Written statement* submitted by Nazra for Feminist Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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1814749

Please recycle

Arbitrary Detention for WHRDs and Civil Society Continues to be Targeted in Egypt

Women Human Rights Defenders (WHRDs) and feminists in Egypt continue to be targeted for their activism and defense of various rights. Some of them face *Travel Bans, Asset Freeze Orders* and *Arrest Warrants* on the background of case no.173 for 2011 known as the NGO Foreign Funding Case.

A progressive escalation against HRDs and civil society organizations is marked by summons during 2018 by the investigative judge in case no. 173 for 2011 of various staff members and partners in civil society organizations, all released on bail ranging from 5000 to 30000 EGP. On 20 June 2018, feminist activist and Woman Human Rights Defender (WHRD) Mozn Hassan, Founder and Executive Director of Nazra for Feminist Studies, appeared in front of the investigative judge and was released on bail amounting to 30,000 EGP, on charges of: establishing an entity in violation of the law and conducting activities that do not abide by the purposes of the organization with the intention of harming national security, receiving foreign funding with the intention of harming national security, and tax evasion. Recent summons also included Dr. Magda Adly and Dr. Suzan Fayad, co-founders of El-Nadeem Center, both released on bails amounting to 20,000 EGP on 10 June and 19 July 2018 respectively.

It is worth mentioning that on the 5th of April 2018, the Egyptian court of cassation annulled sentences against 16 defendants working in foreign NGOs before 2013 who were originally sentenced to 1-5 years in prison in absentia in the same case, and ordered a retrial in front of a criminal court. Despite this positive verdict regarding international NGOs in the case, harassment of local NGOs along with their directors and staff members is ongoing.

On the 26th of August 2017, Mozn Hassan along with other HRDs and WHRDs in the case submitted an appeal to the administrative court to cancel the renewal of the investigative judge's mandate in Case 173, as his mandate was renewed consecutively for almost three years now, in violation of article 66 of the criminal procedures code, which clearly stipulates that investigative judges' mandate should not exceed 6 months, subject to renewal once, which means that the investigative judge has been working on the case for more than two years - and continues to do so- without a legal or judicial mandate.

Moreover, there have been several arrests between 11-13 May 2018, starting with the arrest of activist Amal Fathy on the 11th of May 2018 when security forces raided her home and arrested her along with her three year-old son and husband, both of whom were released on the same day. The Maadi prosecution detained Ms. Fathy on remand in Case 7991 for the year 2018 on charges of: 1) broadcasting a video on social media (facebook) to incite the overthrow of the Egyptian government, 2) publishing a video on social media (facebook) to spread false rumors, 3) the misuse of social media. This is a reaction to a video Ms. Fathy posted on the 9th of May where she criticizes state's failure in protecting women from sexual harassment. The Maadi prosecution released Ms. Fathy on bail amounting to 10,000 EGP on 19 June 2018 and the case was referred to court on 8 August 2018, where the next hearing is on 8 September 2018. However, Ms. Fathy remains in pre-trial detention at Al-Qanater Women's Prison as she is still under interrogation by the State Security Prosecution in case 621 for the year 2018, where she was accused of: joining a terrorist group, and using the internet and social media with the intention of promoting ideas and beliefs calling for the commitment of terrorist acts through spreading false news and rumors aiming to disrupt public security and harm general interest.

Furthermore, on 12 May 2018, a number of citizens were arrested in Metro stations while protesting against a significant rise in ticket prices. The detainees included a number of women protesters, some of whom were released while 6 other women were interrogated in case 718 for the year 2018 by the State Security Prosecution and accused of 1) participating in a terrorist group while knowing its intentions, 2) participating in and inciting protest to disrupt public transportation and harm citizens' interests 3) using the internet and social media to incite terrorist acts. The State Security Prosecution ordered the release of three of them in July with precautionary measures as they remain under surveillance, while the three remaining women protestors are still detained on remand.

In the past, tactics to punish Egyptian WHRDs and HRDs in case 173 included asset freeze orders as well as travel bans against several directors and staff members of various human rights organizations. On 14 December 2016, an asset freeze was issued against Azza Soliman and her law firm "Lawyers for Justice and Peace". Then on 11 January 2017 an order was issued to freeze the personal assets of Mozn Hassan, those of the company "Nazra for Studies" as well as those of the association "Nazra for Feminist Studies". The asset freeze order issued against "Nazra for Feminist Studies" is an unprecedented one in the case, as it is the first time the assets of a registered NGO under law 84 for the year 2002 are frozen. Travel bans are also used as a punishment for WHRDs and HRDs, and have included WHRD and feminist Mozn Hassan, Founder and Executive Director of Nazra for Feminist Studies, who was banned from traveling

on the morning of 27 June 2016, as well as WHRD and activist Esraa Abdel Fattah, Mohamed Zaree, the Egypt Office Director of CIHRS, Hoda Abdel Wahab, the Executive Director of the Arab Center for Independence of the Judiciary and Legal Profession, Dr. Aida Seif Al-Dawla and Dr. Suzanne Fayyad, founders of Al-Nadeem Centre for the Rehabilitation of Victims of Violence and Torture, Azza Soliman, and others.

The retrial of the Ministerial Cabinet Case was concluded. The case includes 1 WHRD who is still detained since March 3, 2015, namely Shaimaa Ahmed Saad who received a sentence of 5 years imprisonment. However, a lifetime imprisonment was confirmed for 43, and a verdict of 10 years imprisonment was issued for 9 juvenile detainees on 25 July 2017. It is important to state that 125 others were not included in the retrial, and they include 7 women. One of these women started a retrial procedure and is awaiting a verdict.

Sexual violence against women in the public space continues to remain a grave problem. While 2017 was declared "the year of women" by the state, little has been achieved on that front despite demands and promises to adopt a unified law to combat violence against women and to amend personal status law. The most notable achievement of 2017 has been the adoption of the "National Strategy for Women's Empowerment 2030". Also, a national strategy to combat violence against women has been announced and published on May 7, 2015, yet, after more than three years of its publishing, we emphasize the importance of monitoring its implementation. Despite the importance of the presence of policies and legislation issued by the state that feminist groups have always called for, continuous crimes show shortcomings in policies and their implementation, making it important to monitor what is effective and what needs to be applied, in order to enable combat of sexual violence in a more effective manner. There is also a dire necessity to design and implement policies that combat violence against women in Egyptian syndicates, as Lawyer Hoda Abdel-Wahab was assaulted on 29 March 2017 in the syndicate by another member of the same syndicate when she was renewing her membership card, in order to ensure accountability for perpetrators and create a safe environment for women lawyers. The same applies to teachers who continue to suffer from sexual violence amid the lack of provision of safety measures for them, whether in places where they teach, or in transportation routes, as well as journalists' who suffer from various violations.

Subsequently, Nazra for Feminist Studies urges the United Nations to monitor states' implementation of the WHRD resolution adopted in 2013, as well as Universal Periodic Review (UPR) recommendations with regards to women's human rights in Egypt, to ensure protection of women and WHRDs. We also urge the United Nations to call on Egyptian authorities to close case 173, and the persecution of HRDs and WHRDs, as without their empowerment, human rights would be jeopardized and violations would not be exposed.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

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Please recycle

The possible synergies of the World Programme for HR Education with 2030 Agenda

The possible synergies of the World Programme for HR Education with 2030 Agenda

Preface

Human rights education represents a life-long process, develops knowledge and skills, and promotes attitudes and behaviors for the respect of human rights. This definition is spearheaded by the World Program for Human Rights Education, a global initiative of the UN, which since 2005 has encouraged concrete measures to include human rights education in various sectors.

Human rights education contributes to the preservation of the dignity of all human beings and to the establishment of societies in which human rights are valued and respected, and the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization (UNESCO) continue to work closely with each other and with other United Nations agencies and international and regional organizations to coordinate the support provided to member states and other parties for the application of human rights education.

On the 10th of December 2004, the General Assembly of the United Nations announced its Global Program for Human Rights Education under General Assembly resolution 59/113, through which the Office of the United Nations High Commissioner for Human Rights (OHCHR) coordinates the global program.

The program seeks to develop a common understanding of the basic principles and methodologies for human rights education. It provides a specific framework for action and strengths partnerships and cooperation from the international to national levels.

The World Programme for HR Education

The objectives of the World Program are as follows:

•Promoting the development of a culture of human rights.

•Work towards a common understanding of basic principles and methodologies for human rights education, based on international charters.

•Ensure a focus on human rights education at the national, regional and international levels.

•Provide a common collective framework for all actors involved.

•Promote partnership and cooperation at all levels.

• Review, evaluate and support existing human rights programs to highlight successful practices and provide an incentive to continue and / or expand them and develop other programs.

In order to achieve these objectives, it is necessary to focus on the roles that can be played by other institutions such as schools, the media, and civil society organizations.

A. The role of schools in integrating human rights with the goals of sustainable development

The right to education is one of the most important goals of SDGs 2030. The total quality education without discrimination in lifelong learning opportunities has contributed to making human rights education an internationally recognized method and promoting human rights at the local, national and global levels.

Schools are widely believed to mirror their communities and contribute in promoting human rights-friendly educational environments. One of the best ways to educate people on human rights; is to make them familiar with living in the culture and tolerance of human rights in their school environment, which plays a very large role in the lives of the majority of children and young people around the world.

Human rights-friendly schools integrate the general principles of human rights with the goals of sustainable development by creating:

-An environment full of equality, dignity, respect, non-discrimination throughout the school.

-A fully participatory democratic approach to school leadership where all members of the school community participate in the decision making processes.

-To enable students, teachers and staff to participate in the real and equal development and application of school policies.

-Participation of students in discussions related to change and development.

- Increased sense of participation and interdependence, which fosters mutual responsibility and local and global solidarity. Thereby enriching rich human rights learning experiences both inside and outside the classroom.

B. The role of media in the integration of human rights and the goals of sustainable development

The media can play a major role in promoting and guaranteeing human rights, especially with respect to marginalized groups, by promoting relevant international treaties, investigating the role of governments and monitoring violations, not only by reporting but by preparing ongoing programs and follow-ups. Human rights education is a factor that works for stability and development of societies.

It is also necessary for the media to highlight their role in applying the laws that already exist and promoting them by communicating their views that creates a safe environment for the society; so that everyone feels that if their rights are violated, there are media outlets that will fight for them.

However, government interference in the work of the media reduces its role and influence. Thus; the media must work on guaranteeing human rights and reducing violations of government policies. Also, the intervention of governments in the work of organizations working in the field of human rights is not useful.

C. The role of civil society in integrating sustainable development and human rights

There is a great role for civil society in achieving development in general and sustainable development in particular as a result of the global transformations and developments witnessed by the global economies. As the concept of development evolves from economic development to sustainable development, which works to balance the environmental aspect on the one hand and the economic and social side on the other. The need for civil society as well as the organizations; is to solve problems and crises and to spread awareness among members of society.

The success of sustainable development requires the environmental management of development projects so that the environmental conservation component of these projects also includes continuous environmental assessment of development projects, environmental awareness, education, training and education, and therefore there is a close link between sustainable development and civil society organizations.

Human rights education and its relationship to sustainable development

Human rights education and associated sustainable development objectives contribute to:

•Promote respect for and appreciation of differences and against discrimination based on race, sex, language, religion, political or other opinion, national, ethnic or social origin, physical and mental status, sexual orientation and other grounds.

•Encourage the analysis of chronic and emerging human rights and related sustainable development goals, including poverty, conflicts and discrimination, in the light of rapid political, social, economic, technological and environmental developments so that responses and solutions can be found in line with human rights standards.

•Enable communities and individuals to effectively identify and demand their human rights needs.

• Enrichment of human rights principles rooted in different cultural contexts and taking account of historical and social developments in each country.

•Strengthen the knowledge and protection mechanisms of human rights instruments at the local, national, regional and international levels and transfer the skills of their use.

•Use participatory systems of education that include knowledge, critical analysis and work skills for the promotion of human rights.

• Encourage the establishment of learning environments where people are secure and encourage participation, enjoyment of human rights and the full development of individuals' personalities.

•Be meaningful in the daily lives of learners so that they are involved in a dialogue on ways and means of transforming human rights from the expression of abstract criteria into their social, economic, cultural and political conditions.

•Education of a comprehensive quality, equal education and promotion of lifespan without discrimination.

•Raising awareness about the risks and side effects of climate change, resulting in global warming, consequent damage to agricultural crops and changes in the marine environment.

• Human rights education aims to raise awareness of the common responsibility of all States and peoples to make the realization of human rights a reality and to prevent the violation of human rights and to reduce long-term conflicts.

Recommendations

States must respect their obligations and fulfill them in respect of the implementation of the principles of the Universal Declaration of Human Rights, the relevant international covenants and other principles of international humanitarian law.

•Integrate human rights education into national frameworks to combat racism and racial discrimination and eradicate hunger and poverty as one of the most important goals of sustainable development.

•The need to harmonize national legislation with international human rights treaties to support the dissemination and promotion of these rights, which has not become realistic without broad media attention through special programs and follow-up, and to develop journalists' skills in working on human rights issues more effectively and in line with the real local communities.

•Allow civil society organizations to play an essential role in achieving environmental and sustainable development. These roles involve civil society organizations in to implement development plans.

• The need to use civil society organizations and associations with a growing experience in the field of environmental protection (as one of the objectives of the 2030 Sustainable Development Plan).

•Establish mechanisms for communication and coordination between international and local organizations representing civil society as well as governments in order to maximize cooperation, access to data and information and exchange of experiences.

• Enhancing the role of free media in disseminating the culture of human rights by removing it from the framework of state control, especially in developing countries, so that it can spread the values of equality and freedom of expression and opinion.

United Nations A/HRC/39/NGO/65

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the International Alliance of Women, Women's Federation for World Peace International, Soroptimist International and Zonta International, non-governmental organizations in general consultative status, and Graduate Women International (GWI), European Union of Women, Federation of American Women's Clubs Overseas (FAWCO), International Council of Jewish Women, and International Movement for Fraternal Union Among Races and Peoples, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14333(E)
1814333

Please recycle

Child Widowhood: A Neglected Gender and Human Rights Violation

For nearly 100 years, Graduate Women International (GWI) has promoted the advancement of the status of women and girls through lifelong learning and education. Consequently, we raise again our concerns that, despite the many ratifications to the Convention on the Elimination of Discrimination against Women (CEDAW), the consensus of the Beijing Platform for Action and the widespread support for the Convention on the Rights of the Child, adult and child widows continue to be excluded from the progress made in advancing the status of millions of women and girls worldwide. Having raised this issue previously in 2008 (Women's Worlds Madrid)[1] and 2011 (Women's Worlds Ottawa)[2], GWI reemphasizes concerns over social, economic and cultural hardships widows' lives are tainted with, often indefinitely. Widowhood is one of the most neglected gender and human rights issues, condemning millions of widows and their children, whose lives are determined, not by modern laws but by discriminatory interpretations of customary law.[3] Examinations of widowhood typically centre around elderly women who do, indeed, receive the most attention from the United Nations (UN), governments, and non-governmental organisations (NGOs). Yet, GWI reminds that widows are of all ages, with child widows frequently having no such champions. The number of young widows is increasing worldwide due to war, disease and violence and they, and their children, suffer as economic and social status outcasts frequently lacking any opportunity of pursuing an education. Young widows are mostly found living in rural areas, especially in Africa and South Asia, where patriarchal customs often dominate and where customary law is followed at the expense of modern age marriage legislation. In such contexts, widowhood is deemed a social death. Furthermore, in many societies the mourning rights of the widows are shrouded with cultural beliefs. However, bereavement cannot be standardised and is an individual emotional crisis in itself. To garner support from States, who give the issue scant attention, widowhood must be viewed as an economic crisis and an opportunity for humanitarian action rather than a cultural issue. The collaboration of States, alongside NGOs is more crucial than ever.

Addressing the multiple and intersecting discriminating culture and social practices does not open Pandora's Box; rather it opens young widows' rights

Estimates from 2015 show that there are more than 258 million widows worldwide.[4] However, a realistic number of child widows is indeterminate due to the lack of attention this segment of society receives from the UN and States, limiting the speed at which the girls' welfare can be addressed. Plus, the vulnerable nature of child widows drastically affects data collection as these victims, being afraid of the consequences of speaking out, mostly opt to remain silent. But their widowhood is not muted at the community level; remaining on the radar, these girls are subjected to the triple blow of being discriminated against because of their gender, their age and deep-seated, societal superstitions and mourning practices. These strip away human rights, acquisitive and decision-making powers of the girls. Purifying traditions such as forced sex and marriage with the groom's close relative, gang rape and scarification are brought upon the widow regardless of her will and age. Nutritional prohibitions restraining widows from eating meats and fish threaten her development and weaken her health, increasing risks of suffering from malnutrition and preventable diseases. The forced loss of contact with family members and the seizing of the widow's properties and possessions by the family of the groom lead to isolation and loss of dignity.[5] These destructive customs rob a young widow of her right to gain education, whether traditional or non-traditional, and GWI reiterates its concerns about young widows and reminds States that signing in accordance with the 2030 Agenda for Sustainable Development implies that insufficient support for child widows implicates a lack of commitment to the Sustainable Development Goals (SDGs)[6]. It also goes against the essential concept of "leave no one behind".

Cultural and social discrimination of widows is directly proportional to economic vulnerability and impoverishment

While most data regarding young widows is anecdotal, empirical evidence exists linking cultural stigmatisation with low income. Data also shows that cultural discrimination results in economic dependency which underscores a widow's financial vulnerability. Further, without financial literacy opportunities, young widows remain in poverty; disenfranchised from their societies, often for a lifetime. Due to their underage and marital status they frequently

1 GWI, International Federation of University Women (IFUW), Anne Holden Rønning, Women's Worlds Madrid, 2008

2 GWI, IFUW, Anne Holden Rønning, Women's Worlds Ottawa, 2011

3 http://globalfundforwidows.org/wp-content/uploads/2017/10/Communications-CSW62-Final.pdf

4 http://www.theloombafoundation.org/

5 https://www.reuters.com/article/us-africa-widows-rituals

6 https://sustainabledevelopment.un.org/?menu=1300

become sex, domestic or labour slaves for the family of the husband. Offspring of these widows can also be neglected; their mothers being unable to provide a livelihood, financial future or academic development necessary to change the cycle. Hence, the children, in turn, remain within the trenches of poverty, unable to grow economically or attend school to reach their full potential.

GWI is concerned about the lack of economic security of widowed girls and requests that States develop laws specifically targeting livelihood opportunities for young widows. Access to financial growth will lessen the gap of disparity and enable widows to contribute to a nation's economic growth.[7] The sustained impossibility of educational or trade skill attainment eliminates the prospect of finding any potential employment, the consequences of which will undoubtedly be reflected in States' economies. SDG 8, on decent work and economic growth, targets 8.5 and 8.6 intend to grant full and productive employment for all and a reduction of the proportion of youth unemployment, focusing on education and training. The co-existence of child widows and the implementation of SDG 8 is simply impossible. We offer to work alongside the Council, States and other NGOs to create solutions and set milestones for success.

Education is a State's obligation

The ambitious SDGs are at risk of leaving child widows behind as the SDGs have failed to include young widows within their targets. For example, SDG 4 target 4.5 focuses on the elimination of gender disparities in education and on ensuring equal access to all levels of education and vocational training for the vulnerable but says nothing about widows. In many countries, laws and cultures remove the opportunity of an education away from young widows the moment their husband dies. Although progress in basic education rights for girls in rural areas in developing countries has improved, traditions remain the decisive factor in a young widow's future. Accused of witchcraft, mariticide and impurity, the right to pursue an education or trade disappears once disadvantaged by widowhood.[8] GWI reminds States of the consequences of the lethal combination of low education and high poverty rates that affect the quality of life of its inhabitants, leading to negative-growth economies and persistent deterioration of society.

Positive steps forward are the establishment of International Widow's Day held annually on 23 June and the Widow's Charter, both of which have served to increase awareness and recognition of this global issue and reduce discrimination within the community and public life.[9] GWI is encouraged by the work of Widows Development Organisation[10] and the Global Fund for Widows[11] who have been instrumental in influencing laws forbidding persecution of widows and improving lives. But more effort on providing education is needed. A single day to raise awareness about the injustices widows face is not enough. Widowhood must be included when discussing gender inequality. Child widows are already hiding; GWI reminds States and organisations of their duty to come to their aid in providing support. With the issue of child widows having been entirely overlooked by Millennium Development Goals, GWI insists states not make the same mistake while implementing the 2030 SDG Agenda.

Recommendations

To create a positive momentum, GWI recommends the following actions to the UN and the Council:

- Collaboration with NGOs to collect empirical data about child widows.
- Apply data to State Action Plans that aim to assist child widows and improve access to justice and equality.
- As a protection measure, create and reinforce State widow registration; define widowhood as a separate, legal civilian status.
- Appoint a United Nations Special Rapporteur on widowhood.
- Implement measures such as awareness programmes promoting human rights and gender rights, and laws protecting child widows that penalise perpetrators of abuse and discrimination.
- Offer accessible and affordable courses for young widows such as livelihood building (entrepreneurship), legal rights and financial literacy; social support, as well as reintegration plans and protection within their communities.
- Carry out investigations within legal frameworks to ensure agents are providing proper assistance to the widows who reach out for help.
- Encourage States to include widowhood reporting in their UPR and CEDAW reviews.

7 https://news.un.org/en/story/2017/06/560282-international-day-un-says-widows-rights-independent-life-livelihood-after-loss

8 http://globalfundforwidows.org/wp-content/uploads/2017/10/Communications-CSW62-Final.pdf

9 http://www.widowsforpeace.org/widows-charter/

10http://widoafrica.org/

11 http://globalfundforwidows.org/

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Human rights situations that require the Council's attention

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

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GE.18-14334(E)

1814334

Please recycle

The Legal Status of Palestinian Refugees in Lebanon

Although Palestinian refugees have been living in Lebanon for more than 70 years, the Lebanese government has not yet provided a legal definition that determines their rights and duties but only issuing personal cards to them from the Ministry of Interior and these cards are not in accordance with international standards and are easy to damage and falsify. Despite the existence of documents proving their ancestry there are hundreds of refugees currently facing registration obstacles in the Directorate of Political Affairs and Refugees.

1. Although Lebanon amended the Labor Law (129/2010)[1] and the Social Security Law (128/2010)[2], no executive decrees were issued for this law and it remains subject to the arbitrary decision of the Ministers of Labor. Palestinian refugees continue to face restrictions imposed when entering the labor market, as well as being barred from working in several professions such as medicine, law, engineering and pharmacy.

2. Lebanon imposes restrictions that deprive Palestinian refugees from living in adequate housing and in a healthy environment by living in overcrowded camps; the size of refugee camps has not changed since their inception in 1950, despite the increase of refugees. Other restrictions have compounded this crisis by preventing refugees from owning real estate after 2001[3], as well as imposing strict restrictions on the introduction of building materials into those camps for house repairs.

3. Lebanon imposes restrictions on the right of movement of Palestinian refugees to and from certain camps because of the tight security procedures, which force them to wait for long periods of time, which impedes their access to their places of work, as well as placing walls and barbed wire around most camps which transforms them into large prisons and isolation centers.[4]

4. The Lebanese state continues to discriminate against a Palestinian refugee woman married to a Lebanese man, as placing restrictions on the acquisition of Lebanese nationality by Palestinian women despite her marriage if she did not have children. Lebanese women married to a Palestinian are also prevented from granting their nationality to their children.[5]

5. The Lebanese state denies Palestinian refugees who reside in Lebanon the right to establish associations and organizations.[6] Palestinians must register organisations through a person that has a Lebanese ID.

6. The Lebanese state has not recognized the legal status of Palestinian refugees from Syria to Lebanon, and deal with them as tourists. As such, Palestinians have to pay the fees of entry and residence and in many cases they may even face prosecution and deportation.

7. The Lebanese state also discriminates against Palestinian refugee women from Syria married to a Palestinian refugee from Lebanon, in which case women are required to obtain residence and pay fees annually.[7]

Recommendations

- The Lebanese state must pass a law that defines the Palestinian refugee in Lebanon as a clear and unambiguous legal definition guaranteeing civil, economic and social rights and the ability to live in dignity.

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1 Legal Informatics Center - Lebanese University, Labor Law, Article 59 (amended under 129/2010), http://www.legallaw.ul.edu.lb/LawArticles.aspx?LawArticleID=775897&LawId=190374

2 Lebanese-Palestinian Dialogue Committee, Law No. 128, https://goo.gl/kr7EFF

3 Lebanese-Palestinian Dialogue Committee, https://goo.gl/aKFbH9

4 Al Jazeera Blogs, https://goo.gl/4UK4uj

5Legal Informatics Center - Lebanese University, Law amending and adding articles on Resolution No. 15 dated 19-1-1925 concerning Lebanese nationality, http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=181437

6 Lebanese Parliament, https://goo.gl/aGDVxA

7 Action Group for Palestinians of Syria, https://goo.gl/5zHRtS

- Lebanon should abide to international conventions and lift the reservation on Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the amendment of all relevant laws.

- Recognition of the legal status of Palestinian refugees from Syria in Lebanon as refugees and not tourists.

- The Lebanese state should acknowledge the status of Palestinian refugee women married to Lebanese and cease the procedures that obstruct the right to acquire Lebanese nationality.

- Replace security measures from the camp perimeter with other measures in accordance with international standards that do not infringe the human rights of Palestinians.

- The Lebanese state should fulfill its duties in terms of developing a plan that would ensure the right to adequate housing within the camps.

- The Lebanese state should lift restrictions on imports of building materials and supplies, within the framework of pre-established criteria for Palestinian refugee camps to maintain, rebuild and rehabilitate houses and infrastructure.

- Stop compounding the discrimination against Palestinian refugees and issue a legal amendment allowing them to own property.

- Stop arbitrary measures, which prohibit the registration of property acquired before the amendment of Law 296/2001 and impede the transfer of Inheritance Real Estate property.

- Stop discriminatory measures and complications that impede the registration of a foreigner's property married to a Palestinian refugee.

- Amend Law 129/2010 to abolish work permits and grant Palestinian refugees the to work and practicing regular jobs and issue the necessary practical decrees.

- Amend Law 128/2010 to allow Palestinian working refugees to enjoy their full rights in social security, in particular to ensure maternity benefits for Palestinian refugees and to issue the necessary implementing decrees.

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Human rights situations that require the Council's attention

Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

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1814732

Please recycle

Protection for the Non-Muslim Religious Minorities of Afghanistan

1. INTRODUCTION

1.1 We are a NGO that specializes in the freedom of religious minorities. This statement reports to the UN on the urgent need to protect the forgotten non-Muslim religious minorities of Afghanistan – the Sikhs and Hindus of Afghanistan. We make this statement jointly with UNITED SIKHS, an international humanitarian and advocacy NGO that has been associated with the Department of Public Office of the United Nations, since 2007.

1.2 On 1 July 2018, in an apparently targeted suicide bombing in Jalalabad, 19 people were killed, including 12 Sikh leaders and one Hindu, who were waiting to meet the Afghan President to raise issues about their places of worship and safety.1

1.3 On 5 August, UNITED SIKHS met the families of the victims and survivors of the 1 July suicide bombing and found that the renewed violence had escalated a climate of terror towards the non-Muslim minorities of Afghanistan. They feel targeted and vulnerable as the men who were killed were community leaders who acted as vanguards.

1.4. The three main areas of concern for Afghani Sikhs and Hindus are:

(a) safety and security,

(b) religious freedom, and

(c) education and livelihood.

2. HISTORY

2.1 Afghanistan, which has been described as a land of "rocks, sands, deserts, ice and snow", once had hundreds of thousands of Sikhs and Hindus who lived as thriving businesspeople in every corner of Afghanistan and controlled most of the trade. Sikhs lived there since the founder of the Sikh religion, Guru Nanak Sahib, visited Afghanistan, more than 500 years ago.

2.2 The Soviet intervention of 1979 and the Civil War of 1992 saw their mass exodus to neighbouring India, Iran and to a lesser extent, the West. Khajinder Singh, author of 'Sikhs of Kabul' (2001), says that in 1992 there were about 60,000 Sikhs in Afghanistan. Today, no more than 2000 Sikhs and a few Hindus, constituting under 0.3% of the population, remain.

2.3 These people remain in Afghanistan because they did not have the resources to leave and/or they felt duty-bound to stay and protect the 65 historical Sikh Gurdwaras (place of worship) and 27 Hindu temples from the Taliban.

3. SAFETY AND SECURITY

3.1 In 2003, NATO took the lead of the International Security Assistance Force (**ISAF**) in Afghanistan. Mandated by the United Nations, ISAF's primary objective was to ensure Afghanistan would never again become a safe haven for terrorists. At the end of 2014, the ISAF mission ended.

3.2 The 1 July suicide bombing killed 13 community leaders of non-Muslim minorities and reignited a climate of desperation and terror. On 11 August, more than 1,000 Taliban fighters stormed Ghazni leaving an estimated 250 civilians dead. This was followed by another apparently targeted suicide bombing on 15 August at an education centre in Kabul, which left 48 people dead and 67 injured.

3.3 These events demonstrate a very recent and sudden escalation of violence and terror fueled by religious ideology and inflicted mainly upon the non-Muslim minority.

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1 https://www.bbc.com/news/world-asia-44677823

4. RELIGIOUS FREEDOM

4.1 Although the instability in Afghanistan has taken a disproportionately high toll on its religious minority communities, the issue does not appear in scholarship. The focus remains narrowly fixed on the strife between the Shia and Sunni sects of Islam and this perpetuates the assumption that Afghanistan is devoid of non-Muslims. The prevalence of State narratives and absence of first-person accounts from the Afghan Sikh and Hindu community has meant that the violation of religious freedom of non-Muslim religious minorities in Afghanistan has not been fully recognized and therefore remains incapable of being addressed.2

5. DEMOGRAPHY, RIGHTS, STATE AND SOCIETAL TREATMENT AND ATTITUDES

5.1 Due to the paucity of firsthand accounts of non-Muslim religious minorities, State narratives obtained from official or representative sources contradict the common knowledge held by the said minorities. For example, the USSD IRF 2015 Report states there were 11 Gurdwaras in Afghanistan and that *'Hindu and Sikh sources said the law did not hinder their communities from building places of worship, nor did the law restrict clergy from training other Hindus and Sikhs to become clergy'.*

5.2 However, a memo of 6 August to the United States Commission on International Religious Freedom **(USCIRF)** from the Gurdwara Guru Nanak Darbar, (Afghan Ekte Cultural Society) of the United Kingdom of Great Britain and Northern Ireland **(Memo)**, says there are 64 Sikh Gurdwaras and 27 Hindu Mandirs in Afghanistan.

5.3 The recent spate of terror attacks has ignited the very reasonable fear of a return of societal ill-treatment and discrimination against Afghani Sikhs and Hindus as experienced during the height of the Taliban regime. The Memo described life under the Taliban as follows:

- The situation in Afghanistan began to change in April 1992 when the Mujaheddin came to Afghanistan. The Taliban took over the movement in 1996 at Kandhar and moved to Kabul in 1997.
- The Taliban wanted to make Afghanistan an Islamic country by forcefully converting Sikhs/Hindus into the Islam faith.
- The Taliban began to inflict religious persecution on the Afghan Sikhs in numerous ways.
- Every Friday, Sikhs were not allowed to open their shops. They were expected to join prayers with the Taliban in Mosques.
- Those who resisted, were physically tortured and beaten up.
- Young Sikhs were not allowed to go to school. Their long hair was pulled and they were humiliated.
- Sikhs were not permitted to go to their religious places for daily prayers. Devoted Sikhs began to spend most of their times with their families in very limited area of the Sikh Gurdwara compound.
- The young Sikh and Hindu girls were kidnapped and were forced to marry Muslims. Taliban usually paid for brides.
- Sikhs were not allowed to cremate their dead ones openly. Sadly, they were forced to cremate within the Gurdwara compound.
- The authorities wouldn't entertain any complaints against Muslims. If found out, Sikhs were punished even more for complaining.

5.4 Even after the Taliban were pushed back by the NATO–ISAF troops, Sikhs and Hindus continue to receive adverse societal treatment and attitude.

5.5 Pritpal Singh, an Afghan Sikh living in the UK, in his documentary 'Mission Afghanistan', based on his travels and interviews with Sikhs and Hindus in Afghanistan in 2012,3 describes life in Afghanistan as follows:

> *"There is fear and desperation in their empty eyes. They have no livelihood and no work; and their growing children receive no education. Their daughters do not have much hope of finding suitable*

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2 Asha Marie Kaur Sawhney: Stories from Delhi of Afghan Sikh Refugees' Forced Migration, Survival, and Adaptation to a New Land

3 https://www.youtube.com/watch?v=0h11jAyO0zg

matches; and they are not certain where the next meal would come from. Many women and children live in Gurdwaré, (Sikh place of worship) relying on the free kitchen. These are Sikh women with children, widows and families left behind in a war-riven Afghanistan. The situation of women is made worse because women are confined to walled enclosures and cannot go out to work. Even Gurdwaré of great historical significance are in a state of neglect and disrepair."

5.7 UK writer Inderjeet Singh says in his book awaiting publication, *"Rawail Singh4 summed up the miseries of the community (in an Al Jazeera interview in 2016): "There is only so much a community can tolerate. We can't practice our faith openly, our children can't go to school because of harassment; we can't even cremate our dead without being stoned by the public."* 5

6. ASYLUM

6.1. In the UK, Afghan Sikh and Hindu asylum seekers do not qualify for asylum under the Refugee Convention. The UK Home Office **Country Policy and Information Note on Afghanistan: Hindus and Sikhs** states, *"Case law has established that, in general, members of the Sikh and Hindu communities in Afghanistan do not face a real risk of persecution or ill- treatment such as to entitle them to a grant of international protection on the basis of their ethnic or religious identity, per se. Neither can it be said that the cumulative impact of discrimination suffered by the Sikh and Hindu communities in general reaches the threshold of persecution."*

6.2 Notably that Policy, dated July 2018, fails to take into account the recent escalation of the problem owing to the apparently targeted attacks on Afghani Sikh and Hindu communities on 1 July 2018.

6.2 These recent events demonstrate that Afghani Sikhs and Hindus are subjected to such a level of discrimination and ill-treatment such as to amount to a very real and immediate risk of persecution based on ethnic and religious identity. By international standards, they are desperately in need of international protection.

6.2 As one widow of the suicide bombing of 1 July told UNITED SIKHS' International Legal Director, Mejindarpal Kaur - *"We were always shaken whenever there was a terror attack. But this time we have been uprooted. We must leave now because they have killed our husbands and our community leaders."*

Respectfully submitted.

Paris, Aug 22, 2018

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4 Rawail Singh was one of the 12 Sikh leaders killed in the 1 July suicide bombing in Jalalabad

5 https://www.aljazeera.com/indepth/features/2016/12/decline-afghanistan-hindu-sikh-communities-161225082540860.html

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Human rights situations that require the Council's attention

Joint written statement* submitted by Lawyers' Rights Watch Canada, Lawyers for Lawyers, The Law Society, non-governmental organizations in special consultative status

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1814335

Please recycle

Lawyers and human rights defenders in Turkey: Continued violation of non-derogable rights after lifting of State of Emergency

Item 4 – Human rights situations that require Council's attention

Written Statement by Lawyers' Rights Watch Canada (LRWC) and Lawyers for Lawyers (L4L), The Law Society (TLS), NGOs in Special Consultative Status, to the 39th Session of the United Nations Human Rights Council. The Law Society is also known as the Law Society of England & Wales (TLS) a professional representative body.

Lawyers and human rights defenders in Turkey: Continued violation of non-derogable rights after lifting of State of Emergency

The situation of judges, lawyers, journalists, and human rights defenders in the Republic of Turkey (Turkey) deteriorated dramatically after an attempted coup by a section of Turkey's military on 15 July 2016.1 On 20 July 2016, President Erdogan imposed a State of Emergency decree that resulted in widespread, systematic violations of non-derogable rights, including arbitrary deprivation of liberty, torture, and enforced disappearances. While the State of Emergency was lifted on 18 July 2018, Turkey passed legislation on 25 July 2018, codifying emergency decree laws for a further three years, that facilitates the arbitrary dismissal of judges and officials, detention without charge for up to 12 days without adequate court oversight, and imposes restrictions on assembly.2

The purpose of these measures is to purge and punish persons allegedly associated with Fethullah Gülen. Despite the lack of an independent, impartial investigation to determine those responsible,3 Turkey's President considers Gülenists responsible for the attempted coup, and characterizes persons allegedly associated with Gülenists as "terrorists." With the stated intention of "cleansing" Turkey's judiciary and other institutions of Gülenists,4 Turkey has since July 2016 arbitrarily dismissed, arrested and prosecuted thousands of judges, prosecutors, lawyers, and human rights defenders and journalists.

As of 20 August 2018, Turkey has prosecuted 1,544 lawyers on overbroad charges based on questionable accusations that preclude the right to a defence; 582 lawyers remain under arrest; and 162 lawyers have been sentenced to jail terms ranging from three to 12 years.5 Such charges include: spreading propaganda for an armed terrorist organisation (Law on Fight against Terrorism, Article 7(2)); denigrating the Republic of Turkey, institutions and organs of the State (Criminal Code (CC), Article 301); insulting the President (CC, Article 299); membership in an armed terrorist organization (CC Article 314(2)); membership in an armed organization with the purpose of committing the offences listed parts four and five of this chapter (CC, Article314 (2)).

Turkey has arbitrarily dismissed at least 130,000 public officials,6 and at least 50,000 people are in pre-trial detention. There were numerous reports of torture and ill-treatment of detainees in police custody throughout 2017, including beatings, prolonged enforced stress positions, and threats of rape.7 At least 18 enforced disappearances have been

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[1] For concerns prior to the attempted coup, see Lawyers for Lawyers, Law Society of England and Wales, LRWC, Fair Trial Watch, Joint submission for Turkey's 2015 UPR, http://www.advocatenvooradvocaten.nl/wp-content/uploads/UPR-Submission-Turkey-final-draft-1.pdf.

[2] Human Rights Watch, "Turkey: Normalizing the State of Emergency," 20 July 2018, https://www.hrw.org/news/2018/07/20/turkey-normalizing-state-emergency.

[3] UK House of Commons Foreign Affairs Committee, The UK's relations with Turkey, Tenth Report of Session 2016–17, 21 March 2017, https://publications.parliament.uk/pa/cm201617/cmselect/cmfaff/615/615.pdf.

[4] Ece Toksabay, "Turkey says detains 1,000 'secret imams' in police purge," Reuters, 26 April 2017, https://www.reuters.com/article/turkey-security-arrests/turkey-says-detains-1000-secret-imams-in-police-purge-idUSKBN17S0J1.

[5] Arrested Lawyers' Initiative, "21 Lawyers were sentenced in Istanbul"20 August 2018, https://arrestedlawyers.org/2018/08/20/21-lawyers-were-sentenced-in-istanbul/.

[6] Turkey's Official Gazette, cited in AP, "Turkey fires thousands of state employees in anti-terrorism purge," Guardian, https://www.theguardian.com/world/2018/jul/08/turkey-fires-thousands-of-public-servants-in-anti-terror-purge.

[7] Office of the OHCHR. 'Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr Nils Melzer on the official visit to Turkey – 27 November to 2 December 2016,' 2 December 2016, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976.

documented.8 Dozens of journalists face charges alleging association with "terrorist" organizations. Documentation of rights violations has been hampered by the closure of more than 170 media outlets.9 As of 15 August 2018, 237 journalists and media workers are jailed, the highest number of imprisoned journalists in the world.10 Authorities frequently impose arbitrary bans on public assemblies and violently disperse peaceful demonstrations.

These disproportionate measures gravely violate Turkey's obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR),11 the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT), and the European Convention on Human Rights.12 Turkey is obligated to guarantee all individuals subject to its jurisdiction, for example:

- Freedom from arbitrary detention (ICCPR Articles 3, 9);
- Freedom of Expression (ICCPR Article 19);
- Freedom of Association and assembly (ICCPR Article 20);
- Fair trial rights (ICCPR Article 14 (3));
- Freedom from ex post facto charges (Article 15);
- Freedom from torture and ill-treatment (ICCPR Article 7 and UNCAT);
- Remedies for violations (ICCPR Article 2.3).

The Turkish Constitution guarantees equality before the law, freedom of expression (Article 26), and the rule of law (Article 2). These rights remain unchanged under 2017 Constitutional amendments in force after Turkey's June 2018 election.[13] The Turkish government is, therefore, violating domestic legal obligations as well.

During the State of Emergency and since it was lifted, Turkey has persistently violated non-derogable rights. While Article 4 of the ICCPR permits derogation of some rights when "strictly required by the exigencies of the situation,"[14] non-derogable rights include:

- Freedom from torture and ill-treatment (ICCPR Article 4(2), UNCAT);
- Freedom from unnecessary or disproportionate deprivation of liberty (General Comment [GC] 35[15]);
- Right not to be compelled to confess guilt, and prohibition of statements or evidence obtained in violation of ICCPR Article 7 (also UNCAT Article 15, GC 32[16]);
- Fair trial rights, the presumption of innocence and judicial oversight and protection of non-derogable rights (ICCPR Article 14).

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[8] Human Rights Watch, "In Custody: Police Torture and Abductions in Turkey," 12 October 2017, https://www.hrw.org/report/2017/10/12/custody/police-torture-and-abductions-turkey; Stockholm Centre for Freedom, "Enforced disappearances in Turkey," 22 July 2018, https://stockholmcf.org/enforced-disappearences-in-turkey-2/.

[9] Amnesty International, "The State of Emergency has ended but urgent measures are now needed to reverse the roll back of human rights," 18 July 2018, https://www.amnesty.org/en/latest/campaigns/2018/07/turkey-state-of-emergency-lifted/.

[10] Stockholm Center for Freedom, "Jailed and wanted Journalists in Turkey- Updated List," as of 15 August 2018, https://stockholmcf.org/updated-list/.

[11] International Covenant on Civil and Political Rights, 16 December 1966, http://www.refworld.org/docid/3ae6b3aa0.html.

[12] Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, http://www.refworld.org/docid/3ae6b3a94.html.

[13] Constitution of the Republic of Turkey, Articles 10, 12, 120, 121, https://global.tbmm.gov.tr/docs/constitution_en.pdf. See 2017 amendments at http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2017)005-e.

[14] ICCPR Article 4, ECHR Article 15; UN Human Rights Committee, General Comment No. 29: States of Emergency (Article 4), CCPR/C/21/Rev.1/Add.11, 31 August 2001, para. 11. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.11&Lang=en

[15] UN Human Rights Committee, General comment No. 35: Article 9 (Liberty and security of person), CCPR/C/GC/35, 16 December 2014, paras. 65, 66, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f35&Lang=en

[16] UN Human Rights Committee, General Comment No. 32: Article 14: Right to equality before courts and tribunals and to a fair trial, CCPR/C/GC/32, 23 August 2007, para 6, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f32&Lang=en

Many legal professionals have been and continue to be, affected by violations of these rights and by restrictions on the right to counsel and solicitor-client privilege (article 14.3 ICCPR), and detention without judicial oversight for up to thirty days.17 Lawyers fear reprisals for representing detained persons,18 including persons held incommunicado without charge, timely access to counsel, notice of charges and/or time to prepare a defence. To discharge its international legal obligations, Turkey must ensure the right to legal representation in criminal and civil proceedings19 including protection of lawyers from interference, harassment and reprisals.20 Such protection of lawyers is fundamental to access to justice for all citizens, including the protection of rights and access to remedies for violations.

Recommendations

LRWC, L4L and TLS request the Council to urge Turkey to:

- Repeal all legislation and procedures that entail unlawful restrictions on rights;
- Unconditionally release and drop charges against all legal professionals, defenders and journalists who have been arbitrarily arrested, charged or sentenced under State of Emergency decrees or its successor legislation, without credible evidence and in violation of fair trial guarantees;
- Ensure that all legal professionals arbitrarily dismissed under the State of Emergency decree or its successor legislation are reinstated to their positions and compensated for loss of earnings and other harms;
- Ensure that professional bodies with decision-making powers on dismissals of judges and prosecutors are independent;
- Authorize an official visit by the UN Special Rapporteur on the Independence of Judges and Lawyers to investigate the independence and security of judges and lawyers in Turkey and make pertinent recommendations.

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[17] Council of Europe, Statement by the Commissioner for Human Rights, "Measures Taken Under the State of Emergency in Turkey," 27 July 2016, https://www.coe.int/en/web/media-freedom/-/commissionner-statement-on-measures-taken-under-the-state-of-emergency-in-turkey.

[18] Human Rights Watch, "Turkey: Judges, Prosecutors Unfairly Jailed," 5 August 2016, https://www.hrw.org/news/2016/08/05/turkey-judges-prosecutors-unfairly-jailed.

[19] ICCPR Article 14(3) (d)); GC 32, para 10.

[20] UN Basic Principles on the Role of Lawyers, 7 September 1990, http://www.refworld.org/docid/3ddb9f034.html.

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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2018]

* Issued as received, in the language(s) of submission only.

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Please recycle

The denial of the religious plurality by Russian Federation

For one thousand years, Russia has been an Orthodox country, a bulwark against the expansion of Catholicism and other religions. "Russian Orthodox lands" are considered canonical territories where competition by other Christian religions has never been acceptable in the eyes of Moscow Patriarchy.

With the fall of the Berlin Wall in 1989, the development of telecommunications and globalization, the "Russian Orthodox lands" have been more open but also more vulnerable to external influences. Gorbachev had opted for pluralism and fair competition between religions but very soon, reactionary religious and political forces rebuilt a wall of protectionism.

The rejection of pluralism and the persistent lack of tolerance towards the Catholic Church and new religious movements are the background colors of the current religious panorama in Russia. The anti-sect campaigns and legal actions jointly carried out by institutions of the Russian state and by organs of the Orthodox Church pursue one and the same goal: the religious purification of the Russian lands. The fight against Baptists and Pentecostals, Jehovah's Witnesses, Mormons, Hare Krishna, Baha'is, Falun Gong, Scientology and many other faith or belief communities is part of that strategy.

The Russian member association of the anti-sect umbrella organization FECRIS (European Federation of Centres of Research and Information on Sectarianism), which was created in France in 1994 and is mainly funded by French public powers, is a major actor in a more general plan aiming to reintegrate the lost sheep into the Orthodox Church: Catholics, members of newly implanted religious movements, atheists and non-believers.

The Russian branch of the FECRIS

The Saint Irenaeus of Lyons Centre for Religious Studies, which is FECRIS member association in Russia, was founded in 1993 with the blessing of the Patriarch of Moscow and All Russia Alexy II. The Centre is also a missionary faculty department of St Tikhon's Orthodox University in Moscow the objective of which is "to spread credible information on doctrines and activities of totalitarian sects and destructive cults". Since then, A.L. Dvorkin has been the president of this Centre affiliated to the Russian Orthodox Church.

The Saint Irenaeus of Lyons Centre for Religious Studies is the head centre of the Russian Association of Centres for Religious and Sectarian Studies (RATsIRS). The president of RATsIRS is also A.L. Dvorkin; the vice-presidents are Archpriest Alexander Novopashin and Archpriest Alexander Shabanov; the executive secretary is priest Lev Semenov, Ph.D., associate professor.

Apart from the Saint Irenaeus of Lyons Centre, there is a global network of so-called "parents' initiatives" and other similar organizations in Russia the majority of which have become members of RATsIRS in Russia (some are missionary departments of Orthodox dioceses). There are also a number of so-called "rehabilitation centres" which aim at reconverting followers of "non-traditional religions" to Orthodoxy.
FECRIS' member association in Russia and its affiliates are all financed by the Russian Orthodox Church and engaged in the fight against Evangelicals, Pentecostals, Mormons, Baha'is, Jehovah's Witnesses, Falun Gong practitioners, Scientologists…

Alexander Dvorkin is well-known for popularising the term 'totalitarian sects', a term used by defenders of the "spiritual security" of Russia to designate peaceful religious denominations considered as potential threats to the hegemony Orthodox Church.

The Spiritual Security Concept and the Laïcité Concept

In the 2000 National Security Concept, the Putin Administration stated:

Assurance of the Russian Federation's national security also includes protecting the cultural and spiritual-moral legacy and the historical traditions and standards of public life, and preserving the cultural heritage of all Russia's peoples. There must be a state policy to maintain the population's spiritual and moral welfare, prohibit the use of airtime to promote violence or base instincts, and counter the adverse impact of foreign religious organizations and missionaries.

This concept of spiritual security has been used by Russian ideologues of the right and left. In 2003 Viktor Zorkal'tsev, a Communist parliamentary deputy, stated: "Freedom of conscience has boundaries. And these boundaries can be defined by a single expression—spiritual security."

Spiritual security, then, serves as the basis for a campaign based on paranoia of "foreign" enemies and "foreign" ideas, and for measures to unduly restrict freedom of religion or belief of Russian citizens who have decided to follow a non-consensual spiritual path. Members of the FECRIS in Russia play prominent roles in this campaign and in the repressive policy towards religious movements of foreign origin, even when they have been established for a long time in Russia.

Whilst the Constitution and laws in France provide for a total separation of State and religions and the respect of all creeds, the Russian State supports and privileges the Russian Orthodox Church as a key actor in the implementation of President Putin's spiritual security policy.

Concretely, this spiritual security policy goes hand in hand with a religious cleansing policy targeting movements who are perceived as a threat to the identity of the Russian people. Recent examples are: the ban of Jehovah's Witnesses this year, the subsequent imprisonment of a Danish Jehovah's Witness, the jailing of several members of the Church of Scientology, the ban of two peaceful Muslim movements - Tabligh Jamaat and Said Nursi followers -, the misuse of the law against extremism and the Varovaya anti-missionary laws.
The question is "How can France, a secular country, support and finance a French anti-sect organization FECRIS whose vice-president has called for years for such a policy and is part of it in Russia?"

The vice-president of FECRIS approves the ban of Jehovah's Witnesses

Alexander Dvorkin, vice-president of the European antisect organisation FECRIS, supports the ban of the Jehovah's Witnesses in Russia, as he recently declared to the Russian propaganda TV channel Sputnik (https://sputniknews.com/russia/201705211053836265-human-rights-ban-effect).
He clearly endorses the destruction of non-Orthodox minorities. Here is the excerpt of his declarations to the Russian media about the criticisms addressed to Russia concerning the ban of Jehovah's Witnesses :

"Alexander Dvorkin, president of the Association of Centres for the Study of Religions and Sects, told RIA Novosti that these claims are part of a "very aggressive attack against Russia the likes of which we haven't seen in quite a while."

"They're trying to portray it as some kind of campaign against faith. But this is not a campaign against faith because the government cannot regulate people's beliefs, and none of the Jehovah's Witnesses adherents are prohibited from practicing their religion," Dvorkin pointed out.

According to him, the government merely banned a select organization and cut off a substantial flow of money to it - nothing more, nothing less.

"If you so desire, feel free to hold gatherings at your apartments and discuss your religion - no one is going to prevent you from doing so. However, I'm certain that in a few years the number of the organization's adherents will decrease dramatically - by half or to a third of its original size. Because when the financial basis is cut off, along with the ability to freely recruit other people and rent large halls, people tend to quickly lose interest and begin to scatter. In that regard, this decision was very astute," Dvorkin said.

The vice-president of FECRIS attacks Hindus

Source - http://bit.ly/2kWWA0y – Several years ago, there was an attempt to ban the Holy Scriptures of Hinduism. Such a move was only possible because of the actions of anti-sect actors in Russia, including Alexander Dvorkin. Fortunately, in 2011, a Russian court in Tomsk dismissed a claim to ban an edition of the Hindu Bhagavad Gita.
Hindus have accused Alexander Dvorkin of hate speech against their community and their religion. They have also complained that the son of the leader of the Hindu community in Moscow and his family were victims of an attack.

This year on 3rd February a rally was held in the capital of India in front of the Russian embassy. The protesters demanded to stop anti-religious activities of Alexander Dvorkin. They accused him of denigrating their religion and insulting the feelings of millions of Hindus. The protesters in Delhi burned an effigy of Dvorkin, called him an enemy of India and asked Vladimir Putin to protect Hindus from persecution in Russia. (Source: https://sputniknews.com/asia/201702031050325392-hindus-protests-india-russia/)

Conclusions: All communities are concerned about or under threat of the antisect movements in Russia

All non-Orthodox religious denominations and their members have been attacked by Alexander Dvorkin and the Saint Irenaeus of Lyons Centre for Religious Studies, which is FECRIS member association in Russia.

Recommendations

This misuse of the Extremism Law against religions has been widely criticized by the UN Human Rights Committee (28 April 2015), the Parliamentary Assembly Monitoring Committee of the Council of Europe (14 September 2012), and the Venice Commission (1 June 2012), which found the law and its use against religions violated human rights and called on Russia to correct the law. Over fifty cases regarding Russia's misuse of the Extremism Law against religions have been filed by numerous religious groups before the European Court of Human Rights.

CAP Liberté de Conscience recommendations to the Russian Federation are:

- to implement the following reports :
  - Human Rights Committee Report, Kazakhstan, CCPR/C/Kaz/Q/1, 2 September 2010,
  - Report, UN Special Rapporteur, Freedom of Religion or Belief, Para 25, HRC 19/60, 22 December 2011,
  - , OSCE and Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief, page 16.
  - European Union Guidelines on the Promotion or Protection of Religion or Belief, Para. 40 -41.

- to respect the article 18 of the UDHR, and to respect the religious plurality.